

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

This matter is before the Court on the Kishner Defendants' Emergency Motion to Extend Trial Date and Related Deadlines (#629), filed on January 31, 2011 and the Shapiro Defendants' Joinder in the Emergency Motion to Extend Trial Date and Related Deadlines (#638), filed on February 2, 2011. The Court conducted a status hearing in this matter on February 15, 2011. The parties have requested that the Court vacate the trial date and other pretrial deadlines in this case pending the District Court's decision on Third Party Defendant Sears' Motion to Dismiss First Amended Third Party Complaint (#470), filed on September 27, 2010. The parties also advised the Court that they will defer from further discovery until such time as a new scheduling order is entered in this case, with the exception of the following: The Kishner Defendants state in their motion that the District Court took Sears' motion to dismiss under submission for 60 days pending soils gas testing on the Sears and Boulevard Mall, LLC property as authorized by the District Judge during the January 21, 2011 hearing. The Kishner Defendants intend to proceed with that testing. To the extent that the District Judge's order regarding such testing needs to be clarified, the parties should seek clarification from the District Judge. Accordingly,

**IT IS HEREBY ORDERED** that Kishner Defendants' Emergency Motion to Extend Trial Date and Related Deadlines (#629) is **granted**. The trial date presently set for March 15, 2011 and

1 the other pretrial scheduling deadlines in this case are hereby **vacated** pending the District Court's  
2 order on Third Party Defendant Sears' Motion to Dismiss First Amended Third Party Complaint  
3 (#470). This matter will be set for a status and scheduling conference, if necessary, upon the filing  
4 of the District Court's order on the motion to dismiss.

5 DATED this 17th day of February, 2011.

6  
7   
8 GEORGE FOLEY, JR.  
9 U.S. MAGISTRATE JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28